



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Status Report [Prob. C. 12202]

DOD: 12/24/09		INHERITANCE FUNDING COMPANY , interested party, is Petitioner. Petitioner states: 1. Stefanie Saylor was appointed Executor and Letters Testamentary were issued on 07/27/10. 2. Petitioner purchased a beneficial interest in the Estate of Stefanie Saylor. 3. Five assignments from Stefanie Saylor to IFC totaling \$116,200.000 have been filed in this matter. 4. The final Inventory & Appraisal was filed in this matter on 03/21/11 showing an estate value of \$330,087.76, but no accounting or status reports have been filed by the personal representative. 5. Pursuant to Probate Code § 12200 and 12202, Petitioner requests that Stefanie Saylor file either a Petition for Final Distribution or a Status Report regarding the administration of the estate. In the alternative, Petitioner seeks an Order citing Stefanie Saylor to appear before the court and show the condition of the estate and the reasons why the estate cannot be distributed and closed.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Petitioner prays for an Order: 1. Citing Stefanie Saylor, the personal representative of the estate, to appear before the court and show the condition of the estate and the reasons why the estate cannot be distributed and closed.	Reviewed by: JF Reviewed on: 02/15/13 Updates: Recommendation: File 2 - DeGerolmo
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

3A In the Matter of the Verni Family Trust (Trust)**Case No. 10CEPR00639**

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole E.; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Status Hearing

Leonarda DOD: 7/31/2000		<p>CARMELA DeSANTIS, daughter and Trust Beneficiary, filed a <i>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets</i> on 7/26/2012.</p> <p>NICOLA "NICK" VERNI, son and Successor Trustee of the SURVIVOR'S TRUST, and ANTONIETTA "ROSA" VERNI, daughter and Trustee of the MERGED FAMILY SUB-TRUST, filed a <i>Response to Petition to Remove Trustees, etc.</i> on 9/27/12.</p> <p>CARMELA DeSANTIS filed a <i>Petition to Construe Trust Provision</i> on 7/26/2012.</p> <p>NICK VERNI and ROSA VERNI filed a <i>Response to Petition to Construe Trust Provision</i> on 9/27/2012.</p> <p>CARMELA DeSANTIS filed a <i>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust</i> on 8/14/2012.</p> <p>NICK VERNI and ROSA VERNI filed a <i>Response to Petition to Establish Claim of Ownership</i> on 9/27/12.</p> <p>CARMELA DeSANTIS filed <i>Amended Objections to First Account Current of Trustee</i>, and filed <i>Objections to Second Account Current of Trustee</i>, both filed on 7/26/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/3/2013. Minute Order states Mr. Marchini informs the Court that the parties met with Mr. Thompson three weeks ago and they are in the process of determining what issues can be severed and what issues can be mediated.</p> <p>Note for background: Minute Order dated 12/5/2012 states Mr. Jaech requests additional time to review the ruling on the court trial that was just issued. Mr. Marchini requests to set the matter for court trial. Matter set for Court Trial on 9/10/2013 with a 15-day estimate. Matter is continued to 1/3/2013.</p> <p>Page 1B is the <i>Petition to Remove Trustees, etc.</i></p> <p>Page 1C is the <i>Petition to Construe Trust Provision.</i></p> <p>Page 1D is the <i>Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.</i></p> <p>1. Need verified status report and proof of service of notice of the status hearing pursuant to Local Rule 7.5(B).</p>
Saverio DOD: 5/25/2009			
Cont. from 120512, 010313			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Status Rep.	X		
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/15/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3A - Verni</p>	

3B In the Matter of the Verni Family Trust (Trust)

Case No. 10CEPR00639

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]

Leonarda DOD: 7/31/2000	CARMELA DeSANTIS , daughter and Trust Beneficiary, is Petitioner. Petitioner states: <ul style="list-style-type: none"> The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI and LEONARDA VERNI on 6/10/1999, and was amended once by Settlor on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which was amended once during both Trustors' lifetimes), and the VERNI SURVIVOR'S TRUST (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the SURVIVOR'S TRUST seven times, with the <i>Eighth Amendment</i> (the final) amending the SURVIVOR'S TRUST in its entirety; Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the MERGED FAMILY SUB-TRUST; Pursuant to the Trust terms, ANTONIETTA ROSA VERNI, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, NICOLA VERNI, son, is first appointed and currently serves as Successor Trustee of the SURVIVOR'S TRUST; The beneficiaries of each of the Sub-Trusts are the Settlor's five children: ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS (Petitioner); and specific distributions from the Survivor's Sub-Trust are to ERLINDA MARCIANO VERNI (\$200,000.00) and ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00); Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust; Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust. 	NEEDS/PROBLEMS/COMMENTS:
Saverio DOD: 5/25/2009		
Cont. from 091112, 100212, 120512, 010313		
Aff.Sub.W		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		X
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Continued from 1/3/2013.
		Note: Additional notes pages originally prepared with respect to this petition have been omitted.
		Reviewed by: LEG
		Reviewed on: 2/15/13
		Updates:
		Recommendation
		File 3B - Verni

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000	CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner. Petitioner states:	NEEDS/PROBLEMS/ COMMENTS:
Saverio DOD: 5/25/2009		
Cont. from 100212, 120512, 010313		
<input type="checkbox"/> Aff.Sub.W	<ul style="list-style-type: none"> The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI and LEONARDA VERNI on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which was amended once during both Trustors' lifetimes), and the VERNI SURVIVOR'S TRUST (copies of Trusts attached as Exhibit A); 	<p>Continued from 1/3/2013.</p> <p>Note: Additional notes pages originally prepared with respect to this petition have been omitted.</p>
<input checked="" type="checkbox"/> Verified	<ul style="list-style-type: none"> The instant petition relates to a provision contained in the SURVIVOR'S SUB-TRUST; over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements; 	
<input type="checkbox"/> Inventory	<ul style="list-style-type: none"> The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the SURVIVOR'S SUB-TRUST; because the SURVIVOR'S SUB-TRUST will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the SURVIVOR'S SUB-TRUST will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization; 	
<input type="checkbox"/> PTC	<ul style="list-style-type: none"> The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should <u>not</u> be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor. 	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/S		
<input type="checkbox"/> Objectn		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the SURVIVOR'S SUB-TRUST [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]	
<input type="checkbox"/> Aff. Post		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notc		
		Reviewed by: LEG
		Reviewed on: 2/15/13
		Updates:
		Recommendation:
		File 3C - Verni

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)

Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole E.; of McCormick Barstow (for Antonietta "Rosa" Verni, daughter and Co-Trustee, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son, and Nicola "Nick" Verni, son and Co-Trustee)

Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)

Leonarda DOD: 7/31/2000	<p>CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.</p> <p>Summary of Petitioner's requests for specific relief:</p> <ol style="list-style-type: none"> Determining the that following is property of the Trust estate: <ol style="list-style-type: none"> Almond crops: (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops; Olive crops: (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops; Other crops (Stone Fruit, Grapes, Etc.): (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops; Other Inventory on Hand: (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;] Proceeds from Sale of Trust Real Property: The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than \$1,000,000.00; Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s); For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and For treble damages pursuant to Probate Code § 859. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 1/3/2013.</u></p> <p>Note: Additional notes pages originally prepared with respect to this petition have been omitted.</p>
Saverio DOD: 5/25/2009		
Cont. from 100212, 120512, 010313		
Aff.Sub.W		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
✓ Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/15/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3D - Verni</p>

Petition for Settlement of First Account Current and Report of Trustee, Approval of Attorney's Fees and Costs, Approving Reduction of Bond and Waiving Future Accountings [Prob. C. 2628(a), 3600, et seq., Cal. Rules of Ct. Rule 7.903(c)]

Age: 14 years		STEVEN WILLEY , father/Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 6/27/11 – 5/31/12	
		Accounting - \$53,942.25	<p>Continued from 1/10/13. Minute Order states Counsel is directed to submit a list setting forth the special needs and what needs to be reimbursed. As of 2/14/13 no new documents have been filed.</p> <p><u>Note:</u> Petition states Petitioner made personal loans to himself of Trust funds in the total amount of \$11,538.61 with interest at 2% per annum. Petition states the Petitioner did not consult with his attorney before taking the loans. Petitioner has made three payments on the loan and offset portions of the loans for additional expenses incurred to renovate the house and to install the swing equipment for Michael in the back yard. The final payment on the loans was made by the Petitioner on 6/21/12, after the account period. Based on the payment on 6/21/12 the loans have been paid in full.</p> <p>1. Petition states that the Petitioner has performed some of the work needed for modifications to the house that fit within the meaning of "special needs" and was paid for that work. California Rules of Court 7.1059 (a) states the conservator must avoid actual conflicts of interests, and consistent with his or her fiduciary duty to the conservatee, the appearance of conflicts of interest. The conservator must avoid any personal, business, or professional interest or relationship that is or reasonably could be perceived as being self-serving or adverse to the interest of the conservatee.</p> <p align="center">Please see additional page</p>
		Beginning POH- \$53,317.25	
		Ending POH - \$ 6,565.67	
Cont. from 102512, 112912, 011013		Current bond : \$60,317.25	
<input type="checkbox"/>	Aff.Sub.Wit.	Trustee - Not addressed	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Attorney - \$4,176.00 (5.40 hours attorney time @ \$195 - \$335 per hour and 17.0 hours paralegal time at \$125 - \$130 per hour and 2 hours of attorney time @ \$335/hr in anticipated time.)	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	Costs - \$200.00	
<input type="checkbox"/>	Sp.Ntc.	Petitioner requests bond be reduced to \$7,222.24/	
<input type="checkbox"/>	Pers.Serv.	Petitioner requests that pursuant to Probate Code §2628(a) future accountings be waived.	
<input type="checkbox"/>	Conf. Screen	Petitioner prays for an Order that:	
<input type="checkbox"/>	Letters	1. The first account of trustee be settled, allowed and approved as filed, and all the acts and transactions of Petitioner be ratified approved and confirmed;	
<input type="checkbox"/>	Duties/Supp	2. Petitioner be authorized to pay attorney fees totaling \$4,176.00 and \$200.00 in costs;	
<input type="checkbox"/>	Objections	3. Bond for Steven Willey be reduced to \$7,222.24;	
<input type="checkbox"/>	Video Receipt	4. Petitioner need not present future accountings as long as the estate continues to meet the requirements of Probate Code §2628.	
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

NEEDS/PROBLEMS/COMMENTS (continued):

2. Petition states that at the hearing approving the Special Needs Trust, the notes of Steven Matlak, Counsel for Petitioner, reflect that he discussed Petitioner's plan to modify his home for the benefit of Michael Willey. Mr. Matlak's notes further reflect Judge Robert H. Oliver stated at the hearing that no further court approval was needed for modifications to the house that fit within the meaning of "special needs." Not all the work done on the home appears to be for the "special needs" of the beneficiary, such as the new roof, skylights, attic fan, bath fan and rain gutters. Those items appear to be for the benefit of the family and not the "special needs" of the beneficiary. – **Declaration filed on 11/28/12 states** there was an error in the charges and Steven Willey agrees to personally reimburse the trust for the erroneous charges totaling \$398.67. **Examiner notes** that there are additional charges that should be included such as Mike's portion of the new roof in the amount of \$1,785.71, Mike's portion of the insulation in the amount of \$171.43 and Mike's portion of the cover shell for trustee's truck in the amount of \$2,451.00.
3. There are several disbursements for renovations of the home. Several of the disbursements show a total amount and another amount for "Mike's Portion". It is unclear how Mike's portion is determined sometimes it is 1/7 and other times it is much more. The court may require clarification. **Declaration filed on 1/7/13 states** if renovations to the home were exclusively for the benefit of Michael the trust was charged the full amount. If the renovations to the home benefitted not only Michael, but the entire family, then the Trust was charged only 1/7th of the total cost.
4. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. Why are there charges for both wood flooring and tile in the hallway and entry? **Declaration filed on 1/7/13 states** the Disbursement dated 7/22/11 to Lumber Liquidator was in error and Steven Willey will reimburse the Trust account the amount of \$509.89.
5. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. There is also an invoice from K. Steven Willey dated 9/20/11 that is for labor to remove old wood flooring in entry area and hallway. Labor to install wood flooring in Mike's bedroom, Labor to demo hallway, entry and living area. Labor to prepare hallway, entry area and living room for new tile and the purchase of 2 nail guns to install subflooring and wood floors. There are charges for both wood flooring and tile flooring for the same areas from several different vendors. Court may require clarification. Who installed the wood flooring? Who installed the tile flooring? What area was tile and what area was wood flooring? **Declaration filed on 1/7/13 states** under the 7/22/11 disbursement entry to Steven Willey, Lumber Liquidator was paid for the wood flooring in Michael's bedroom. Steven Willey installed all the wood flooring. Under the 10/31/11 entry to Steven Willey, Home Depot was paid for the tile in the hallway, entry, bathroom and den. Steven Willey and Alex Reyna installed the tile flooring. Petitioner was paid \$2,775.00 to remove the carpet in Mike's bedroom, and remove the flooring in the hallway, entry, bathroom and den. Petitioner also fixed the wood sub-flooring and tile subflooring prior to the installation of the flooring. The wood flooring was installed in Mike's bedroom and the tile flooring was installed in the hallway, entry, bathroom and den. There is no duplication of charges.

Age: 4		TEMPORARY DISMISSED PER COURT TRIAL MINUTE ORDER 10-25-12	NEEDS/PROBLEMS/COMMENTS:
DOB: 9-15-08			
		LARRY and LIBBY JOHNSON , Maternal Grandparents, are Petitioners.	<u>Examiner notes that:</u>
Cont. from 121312		Father: TREVOR J. GREENE	<ul style="list-style-type: none"> Pursuant to Court Trial Minute Order 10-25-12, the parties agree to dismiss the temporary guardianship and return the child to his mother. The parties also agreed to participate in mediation. The Court ordered visitation to the maternal grandparents as set forth on the record. Atty Walters was directed to reduce the agreement to writing. As of 2-19-12, nothing has been submitted by the attorney; however, a Probate Mediation Agreement dated 2-18-13 signed by the parties (<u>not the attorneys</u>) was received. A Probate Mediation Agreement dated 2-18-13 was received and is in the file for signature. The agreement provides a visitation schedule for the grandparents.
Aff.Sub.Wit.		Mother: EMILY MCKAY GREENE	
Verified		Paternal grandfather: Edwin Greene	
Inventory		Paternal grandmother: Sandra Greene	
PTC		Petitioners state the mother and the child have resided primarily with Petitioners since Silas was born. There were brief periods of time in which the mother and Silas resided elsewhere, but for the most part Silas has lived with and been cared for by Petitioners. Petitioners describe numerous incidents involving alcohol and state the mother would frequently leave Silas alone. She moved back in with Petitioners in June 2011 and Petitioners hired a professional interventionist. During the intervention, the mother admitted to a significant history of blackouts and admitted that she was an alcoholic and needed help. She stopped drinking for the next few weeks up until Trevor, the father, returned from deployment in Aug. 2011. Trevor was openly undermining Emily's sobriety. Emily relapsed during that time. They tried to live in Tennessee for a brief time, and an incident resulted in Emily being incarcerated overnight for assault. Emily then returned to Petitioners home in Nov. 2011. Since then, Emily does not participated in Silas' activities, missed Open House at preschool despite reminders. Petitioner Libby took the initiative to enroll Silas in preschool. It would be detrimental for Silas to be in either parents' custody for several reasons and Petitioners' home has been Silas' safe and secure environment for nearly his entire life.	
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		Mother filed Objection to Temporary Petition filed 5-23-12; Motion to Terminate Temporary Guardianship filed 8-15-12. <i>[Examiner has not summarized objections here as they were specific to the temporary guardianship, which has been dismissed.]</i> Court Investigator Dina Calvillo filed reports on 6-7-12, 10-10-12, and 10-24-12. DSS Social Worker Jennifer Cooper filed a report on 7-20-12.	

Reviewed by: skc

Reviewed on: 2-19-13

Updates:

Recommendation:

File 6 - Greene

Kilian age: 6 yrs	TEMPORARY EXPIRES 6/17/13	NEEDS/PROBLEMS/COMMENTS:
Aclea age: 6 yrs	PENNY KYLE and BRIAN KYLE , paternal aunt and uncle, were appointed temporary guardians ex parte on 6/19/12.	
Cont. from	Father: JEFFREY TODD HICKS	1. If after a settlement the parties are unable to agree to what the terms of the settlement are, the parties should file an ex parte application to get the issues before the court. In this instance attorney Thompson submitted a letter to Judge Oliver and Judge Oliver the set the matter for hearing. If the proper procedure (the filing of an ex-parte application) had been followed a filing fee of \$60.00 would have been paid. Therefore it appears that the filing fee of \$60.00 is now due.
Aff.Sub.Wit.	Mother: SHERRY LYNN NEAL	
Verified	Paternal Grandfather: Ronald James Hicks	
Inventory	Paternal Grandmother: Mary D'Alessio	
PTC	Maternal Grandfather: Larry Neal	
Not.Cred.	Maternal Grandmother: Ruth Neal	
Notice of Hrg	At the hearing for appointment of a guardian the parents objected and the matter was set for trial.	
Aff.Mail	Settlement conference was heard on 1/14/13.	
Aff.Pub.	Minute Order from the Settlement conference states the parties enter into an oral stipulation as fully set forth. Counsel is directed to prepare the stipulation. Parties agree to participate in mediation on 1/15/13 at 10:00 a.m. Matter set for status hearing/Court Trial on 6/17/13. The court directs all counsel to submit status reports two weeks before the hearing.	
Sp.Ntc.	A letter was sent to the Judge from Attorney Timothy Thompson stating that they were unable to reach an agreement with Mr. Sherlock regarding the drug testing of Kyle Hicks and that they were seeking the court's guidance on this issue.	
Pers.Serv.	The Court set this hearing regarding the issue of drug testing by Jeffery Hicks.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT Reviewed on: 2/19/13 Updates: Recommendation: File 7 - Hicks

Age: 6 years		<u>Temporary Denied on 01/07/2013</u>		NEEDS/PROBLEMS/COMMENTS:
		<u>GENERAL HEARING 2/21/2013</u>		Minute Order of 01/07/2013: Mother and Father object to the petition. The Court indicates to the parties that it cannot find sufficient circumstances to grant the temporary, nor can it find detriment to the child by not granting the petition. The petition is denied.
Cont. from		JULIE A. LEANOS, paternal grandmother, is petitioner.		1. Need Notice of Hearing.
	Aff.Sub.Wit.	Father: PHILLIP LEANOS		
✓	Verified	Mother: ERICA HELMUTH		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Phillip Leanos (Father) Erica Helmuth (Mother)
	Inventory	Paternal grandfather: Phillip Leanos – consents and waives notice. Maternal grandparents: Deceased.		
	PTC	Petitioner states: she has had the minor residing with her since June 2012. The mother and father are unable and unwilling to care for the minor. The mother is facing a two year sentence for welfare fraud and the father is a severe alcoholic and homeless.		3. Need Order.
	Not.Cred.	Petitioner states that the child has been residing with her on and off since the child was 2 ½, she states the most recent time the child came to live with her he only weighed 39 lbs. He was grossly underweight and malnourished. The child initially went to live with the petitioner because the parents did not have any running water or utilities, this was the second time in a year that the child went to live with the petitioner for this reason.		
	Notice of Hrg	x		Reviewed by: LV
	Aff.Mail	n/a		
	Aff.Pub.			Reviewed on: 02/14/2013
	Sp.Ntc.			Updates:
	Pers.Serv.	x		Recommendation:
✓	Conf. Screen			File 8 - Leanos
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		<p>Petitioner states that the child has confessed to her that his half-brother is verbally and physically abusive towards him and that he fears being left alone with him. Eric, the half-brother, would make crude gestures, force him to watch pornography and shove his dirty sock in the child's mouth. On one occasion, Eric, forced the child into a dark basement, he had to sit in the dark, alone, with no food or water for hours. The child would tell his mother about the treatment he was receiving from his half-brother, Eric, however the mother would do nothing to prevent further behavior.</p> <p><u>Continued on the following page</u></p>		

(Continued from previous page)

Petitioner states that the child suffers from Asthma and that she had requested that the mother bring the child's nebulizer however when the mother finally got around to bringing it she would not show the petitioner how to use it.

Petitioner alleges that the mother is addicted to prescription drugs and often times she calls the petitioner while completely incoherent and disoriented. Petitioner also alleges that the mother sells drugs and prescription pills from her home and may be engaging in prostitution.

Petitioner states the child has witnessed domestic violence while living with his parents. The child has seen the parents physically fight with one another and has been caught in the cross fire of items being thrown.

Petitioner alleges that the father of the child is currently unemployed and has been battling alcoholism since he was 19 years old (he is currently 39). Petitioner has denied the father visitation within the last six months due to the father being visibly drunk. Petitioner states that she has given the father money to get the child food and snacks but the father has spent the money on alcohol instead.

Petitioner states that she received a call from the child's teacher stating that he was grossly behind academically. The teacher informed the petitioner that the child would have to be transferred to a class for students with special needs. The school evaluation revealed that the child missed too much of kindergarten and that he could only read at kindergarten level. The child's school counselor and psychologist has confirmed the child has been traumatized and has some behavioral issues.

Court Investigator Samantha Henson's report filed 02/14/2013.

Petition for Letters Administration; Authorization to Administer Under IAEA (Prob.
C. 8002, 10450)

DOD: 10/03/2012		MICHELLE K. JOHNSON , daughter is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
			1. Need name and date of death of decedent's spouse per Local Rule 7.1.1D.
Cont. from		Petitioner is sole heir and waives bond.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory	Full IAEA – o.k.	
	PTC		
	Not.Cred.	Decedent died intestate	
✓	Notice of Hrg		
✓	Aff.Mail	Residence: Fresno Publication: The Business Journal	Note: If the petition is granted status hearings will be set as follows:
✓	Aff.Pub.		
	Sp.Ntc.		• Friday, 07/19/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and
	Pers.Serv.	Estimated value of the estate: Personal property - \$47,000.00 Real property - \$150,000.00 Total: - \$197,000.00	• Friday, 04/18/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections	Probate Referee: Steven Diebert	
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 02/14/2013
			Updates:
			Recommendation:
			File 9 - Smith

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 2/24/12		MARY JO CARDOZA , daughter, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Inventory and appraisal is incomplete. <ul style="list-style-type: none"> #3 does not indicate if the property listed is all or a portion of the estate that has come to Petitioner's knowledge or possession. #5 property tax certificate. And the inventory was not signed by the attorney as required. 2. Notice of Hearing was mailed to Tislar Cardoza however the decedent's granddaughter's name is Tisha Cardoza. 3. Need Order. Local Rule 7.1.1F requires the proposed order to be submitted at the time the Petition is filed. If the Order is not received by the Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
		40 days since DOD.	
Cont. from		No other proceedings.	
<input type="checkbox"/>	Aff.Sub.Wit.		
✓	Verified	I & A - \$80,000.00	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Will dated 1/14/12 devises decedent's ½ interest in real property to Mary Jo Cardoza.	
<input type="checkbox"/>	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/ Petitioner requests Court determination that Decedent's ½ interest in real property located in Selma California passes to her pursuant to Decedent's Will.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT Reviewed on: 2/19/13 Updates: Recommendation: File 10 - Scharer

Petition to Establish Fact, Date, and Place of Marriage

		<p>SUKHJINDER SINGH DHALI WAL and PRABHJEET KAUR, are petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • They were married on 06/08/05 at Guru Nanak Sikh Temple in San Joaquin, California. • The marriage was solemnized under the Sikh religious rites in the presence of their Holy Book – the Sri Guru Granth Sahib. The marriage was officiated by the reverent Sikh priest, Pala Singh. • The marriage was witnessed by friends and family. • Prior to the marriage they attempted to obtain the property marriage license however they were erroneously advised in the proper procedure. • They did not register the marriage with the civil authorities of the State of California because they sincerely believed that the ceremony performed in the Sikh temple on 06/08/05 was legally recognized as a civil marriage. • It was Petitioners' understanding that the Sikh Temple would take care of the formalities of registering the marriage. • They have been happily married since 06/08/05 and have two children together. <p>Petitioners request that the Court find that they were legally married on 06/08/05.</p> <p>Petitioners have attached a Certificate of Marriage from Guru Nanak Sikh Temple signed by Petitioners, witnesses and Priest, Pala Singh, stating that they were married on 06/08/05.</p> <p>Declaration in Support of Petition to Establish Fact of Marriage by Raghbir Singh states: He is Prabhjeet Kaur's father and was present at the wedding on 06/08/05.</p> <p>Declaration in Support of Petition to Establish Fact of Marriage by Natha Singh Muhar states: He is a family friend of Sukhjinder Singh Dhaliwal and was present at the wedding on 06/08/05.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <ol style="list-style-type: none"> 1. Petitioners through their attorney Peter Singh previously filed a Petition to Establish Fact of Marriage in case no. 12CEPR01098 alleging substantially the same facts. On 12/13/12 the previously filed Petition was denied. 2. Petitioners state they did not obtain a marriage license prior to the marriage ceremony. Therefore, it appears this is not a valid marriage pursuant to California Family Code 306. (Pursuant to H&S 103450, the purpose of obtaining an order establishing fact of marriage is to obtain a certificate to replace one which was never registered or to obtain a certified copy of the registration when the original records were lost or destroyed. Thus, the procedure is designed to cure a failure to register the marriage, not the failure to obtain a license.)
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by:
Reviewed on:
Updates:
Recommendation:
File 11 – Dhaliwal & Kaur

Amended Second Account and Report of Conservator and Petition for Its
Settlement, for Approval of Conservator's Compensation

Age: 21	TIM COLLINS , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	Account period: 04/01/11 – 03/31/12		
	Accounting - \$194,924.59		1. The court may require further information regarding the conservatee's monthly expenses and what the \$1,899.00/month fees requested by the conservatee covers. Note: If the petition is granted a status hearing will be set as follows: • Friday, 05/31/13 at 9:00a.m. in Dept. 303 for the filing of third account Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Beginning POH - \$169,717.24		
	Ending POH - \$164,743.64		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
9202			Reviewed by: JF Reviewed on: 02/15/13 Updates: Recommendation: File 12 - Collins
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Conservator - **\$1,899.00** per month (Conservator is requesting to be paid \$1,399.00/month (conservatee's monthly social security income) to be used to pay all of conservatee's expenses and for conservatee's needs. Conservator also requests \$500.00/month as compensation for his services as Conservator, which he states include giving the conservatee his medication and driving him to appointments and activities.

Petitioner prays for an Order:

1. Approving, allowing and settling the second amended account; and
2. Approving conservator's fees of \$1,899.00 per month for conservatee's expenses and care.

Court Investigator Jennifer Young filed a report on 01/16/13.

Atty Cisneros, Reyna (Pro Per – Guardian – Maternal Grandmother)

Atty Castillo, Laura (Pro Per – Petitioner – Mother)

Petition for Termination of Guardianship

Enrique Lopez Age: 14 DOB: 06/16/1998	LAURA CASTILLO , mother, is petitioner. REYNA CISNEROS , maternal grandmother, was appointed guardian on 10/27/2011, consents and waives notice. Father: ENRIQUE LOPEZ CIBRIAN (of Enrique, Mariela and Hernan Lopez) Paternal grandfather: Francisco Lopez Paternal grandmother: Maria De La Luz Cibrian Maternal grandfather: Lauriano Castillo Father: TREVOR CRAIN (of Trevor Castillo) Paternal grandparents: Unknown Maternal grandfather: Lauriano Castillo Court Investigator Samantha D. Henson's report filed 08/14/2012. Court Investigator Samantha D. Henson's report filed 02/19/2013.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 08/21/2012: the Petitioner is informed that terminating the guardianship would be premature at this time. The Court continues the matter to 02/21/2013 and orders that a Court Investigator conduct a further investigation in this matter before the next hearing. The following issues still remain: 1. #5 of the Petition for Termination of Guardianship is incomplete as to why it is in the best interest of the minor children that guardianship be terminated. The box marked reason stated in Attachment 5 is marked however Attachment 5 is not provided. 2. Need Notice of Hearing. 3. Need proof of service fifteen (15) days prior to the hearing on the following persons: <ul style="list-style-type: none"> • Enrique Lopez Cibrian (Father) • Trevor Crain (Father) • Francisco Lopez (Paternal Grandfather) • Maria De La Luz Cibrian (Paternal Grandmother) • Lauriano Castillo (Maternal Grandfather) • Paternal Grandparents of Trevor Castillo (Unknown)
Mariela Lopez Age: 10 DOB: 08/15/2001		
Hernan Lopez Age: 9 DOB: 01/28/2003		
Trevor Castillo Age: 2 DOB: 05/26/2010		
Cont. from 082112		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: LV		
Reviewed on: 02/19/2013		
Updates:		
Recommendation:		
File 14 – Lopez & Castillo		

Petition for Appointment of Conservator of the Person (Prob. C. 1510)

Age: 21		NO TEMPORARY REQUESTED ANGELA R. WHITE , Mother, is Petitioner and requests appointment as Limited Conservator of the Person with medical consent powers and additional powers under Probate Code §§ 2351.5, 1830(b), and additional orders limiting the civil and legal rights of the proposed Conservatee. A Capacity Declaration was filed 1-2-13. Voting rights affected Petitioner states: Khyrie has non-verbal autism and requires assistance for every aspect of his daily needs. He is unable to make independent decisions for himself. Petitioner seeks limited conservatorship, but also requests all powers under §2351.5 (fix residence, consent to marriage, decide right to contract, withhold medical consent, etc.), § 1830(b) (manage benefits, possess wages, contract and make other obligations, and compromise claims), and additional orders limiting the civil and legal rights of the proposed Conservatee including the items listed in Attachment 1j. Court Investigator Jennifer Daniel filed a report on 12-11-12.	NEEDS/PROBLEMS/COMMENTS:	
			<u>Court Investigator advised rights on 11-30-12.</u> <u>Voting rights affected – need minute order.</u> 1. Capacity Declaration filed 1-2-13 is incomplete at #1-2 and does not contain the doctor's information. Need doctor's name, office address, phone. 2. Notice of Hearing filed 1-31-13 indicates 22 days' notice on CVRC. Probate Code §1822(e) requires at least 30 days. 3. Petitioner has requested <u>limited</u> conservatorship, which requires a finding by the Court that the proposed Conservatee lacks capacity to perform <u>some, but not all</u> tasks necessary to provide for his health, food, clothing, and shelter. However, Petitioner states Khyrie requires assistance for every aspect, and also requests all of the additional consent powers be granted. If <u>limited</u> conservatorship is requested, a <u>separate</u> assessment of the proposed conservatee's capabilities in a report and recommendation from CVRC is required by Probate Code §1827.5. Petitioner may wish to review the code as well as the Duties of Conservator Form GC-348 re: the difference between <u>limited</u> and <u>general</u> conservatorship. <u>Alternatively, pursuant to Probate Code §1825.5(d) and based on the Court Investigator's recommendation, Examiner has prepared revised Order and Letters for general conservatorship.</u>	
Cont. from 010313				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail		W	
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 2-19-13		
		Updates:		
		Recommendation:		
		File 18A - Taylor		

18B
Atty

Khyrie B. Taylor (CONS/P)
White, Angela R. (Pro Per Petitioner)

Case No. 12CEPR00997

Request for Hearing about Court Fee Waiver

		NEEDS/PROBLEMS/COMMENTS: <u>CONFIDENTIAL</u>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-19-13
		Updates:
		Recommendation:
		File 18B - Taylor

18B

Petition for Appointment of Conservator of the Person (Prob. C. 1510)

Age: 29		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:	
		ANGELA R. WHITE, Mother, is Petitioner and requests appointment as Limited Conservator of the Person with medical consent powers and additional powers under Probate Code §§ 2351.5, 1830(b), and additional orders limiting the civil and legal rights of the proposed Conservatee.	<u>Court Investigator advised rights on 11-30-12.</u> <u>Voting rights affected – need minute order.</u>	
Cont. from 010313				
	Aff.Sub.Wit.	<p>A Capacity Declaration was filed 2-13-13.</p> <p>Petitioner states: Tristan has been diagnosed autistic and mentally retarded. His age level is about 8 years old. He is developmentally disabled. While he can sign for himself, walk to the store, dress himself and perform several household duties, he is unable to understand basic instructions or carry out and follow other aspects of his daily life. He would not be able to make arrangements to take himself to the doctor or provide for his own shelter of his own volition. He would not know of any resources or be able to utilize any resources that could assist him with these necessities.</p> <p>Court Investigator Samantha Henson filed a report on 12-19-12.</p>	<p>4. Capacity Declaration filed 2-13-13 is incomplete at #1-2 and does not contain the doctor's information. Need doctor's name, office address, phone.</p> <p>5. Notice of Hearing filed 1-31-13 indicates 22 days' notice on CVRC. Probate Code §1822(e) requires at least 30 days.</p> <p>6. Petitioner has requested <u>limited</u> conservatorship, which requires a finding by the Court that the proposed Conservatee lacks capacity to perform <u>some, but not all</u> tasks necessary to provide for his health, food, clothing, and shelter. However, Petitioner requests <u>all</u> of the additional consent powers/restrictions be granted (in other words, negating the "<u>limited</u>" part).</p> <p>If <u>limited</u> conservatorship is requested, a <u>separate</u> assessment of the proposed conservatee's capabilities in a report and recommendation from CVRC is required by Probate Code §1827.5.</p> <p>Petitioner may wish to review the code as well as the Duties of Conservator Form GC-348 re: the difference between <u>limited</u> and <u>general</u> conservatorship.</p> <p><u>Alternatively, pursuant to Probate Code §1825.5(d), Examiner has prepared revised Order and Letters for general conservatorship.</u></p>	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc Reviewed on: 2-19-13 Updates: Recommendation: File 19A - Taylor	

19A

Request for Hearing about Court Fee Waiver

			NEEDS/PROBLEMS/COMMENTS: <u>CONFIDENTIAL</u>
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2-19-13
			Updates:
			Recommendation:
			File 18B - Taylor

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMPORARY EXPIRES 2-21-13	NEEDS/PROBLEMS/COMMENTS:
		NANCY MADRIGAL and ELAINE MADRIGAL , maternal aunts, are Petitioners.	<u>THIS MATTER WILL BE HEARD AT 8:30 IN DEPT. 71.</u>
		Father: MICHAEL SEAN LEMON ("Big Mike") - Nominates Competing Petitioners (Paternal Grandparents) as guardians	Note: The minor's paternal grandparents Edward and Sophia Garza have filed competing petitions for temporary and general guardianship set as follows: Temp hearing: 2-25-13 Gen. hearing: 4-9-13
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	X	
	Clearances	X	
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	ICWA Notice	X	
		<p>Paternal Grandfather: Edward Garza Paternal Grandmother: Sophia Garza-Hernandez (Competing Petition filed 2-6-13, hearing set for 4-9-13; Competing Temp Petition filed 2-13-13, hearing set for 2-25-13)</p> <p>Maternal Grandfather: Fidel Madrigal (Consents and waives notice) Maternal Grandmother: Aurora Madrigal (Deceased)</p> <p>Siblings: Mia Cassidy Blankenship (consents and waives notice), Genesis Lemon, Kristen Alexis Lemon, Addison Rose Lemon</p> <p>Petitioners state the mother is deceased and the father has a history of drug abuse. Petitioners recently learned that the father has started using drugs again and is unable to care for the child. Petitioners are concerned for the influence Big Mike is having on Michael. He was previously ordered supervised visitation only after hitting the mother in front of Michael. Since Big Mike's relapse, Petitioners state Michael has kept to himself more than before and although he was found not to pose a threat to himself, Sarah (Big Mike's wife) said he stated he wanted to kill himself because he lost his mother and is now losing his father. Petitioners are ready, willing and able to care for Michael. Petitioners live with their mother and have found options for a larger home so that Michael can have his own room. Petitioners request the Court grant guardianship so that they can save Michael from further exposure to drug addiction.</p> <p>Court Investigator Dina Calvillo to file report, clearances.</p>	<p>1. Need proof of <u>personal</u> service of Notice of Hearing at least five (5) Court days prior to the hearing per Probate Code §1511 or consent and waiver of notice on: - Michael S. Lemon (Father) (Petitioner states the father's wife Sarah was served on his behalf; however, there the Probate Code does not contemplate substituted service. Need direct personal service.)(Father nominates paternal grandparents/ competing petitioners as guardians)</p> <p>2. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on the minor, as well as paternal grandparents Edward Garza and Sophia Garza-Hernandez, and their attorney Nancy LeVan per Probate Code §1214. (Notice of Hearing filed 12-14-12 indicates an incorrect dept., since the case was subsequently assigned to Dept. 71.)</p> <p><u>SEE ADDITIONAL PAGE</u></p>
			Reviewed by: skc
			Reviewed on: 2-19-13
			Updates:
			Recommendation:
			File 1 - Lemon

NEEDS/PROBLEMS/COMMENTS (Continued):

3. **ICWA notice is incomplete. Need ICWA-030 (Notice of Child Custody Proceeding for Indian Child) and proof of service, with return receipt, on all appropriate parties and agencies, including parents, tribes, Indian custodian, BIA Sacramento Area Director, and the US Secretary of the Interior, per Form ICWA-030, Probate Code §1460.2, and Cal. Rules of Court 7.1015.**

Notice of Hearing filed 1-18-13 indicates service by mail of the Notice of Child Custody Proceeding for Indian Child on only the US National Archives and Records Administration and the Navajo Nation (Window Rock, AZ); however, the Notice of Child Custody Proceeding for Indian Child (Form ICWA-030) has not been filed with the Court, and, as detailed on the form ICWA-030 itself, Probate Code § 1460.2, and Cal. Rules of Court 7.1015, the form must be served on parents, tribes, Indian custodian, BIA Sacramento Area Director, and the US Secretary of the Interior, return receipt required. The form and all return receipts must be filed with the Court.

Cal. Rules of Court 7.1015(c)(9) states: If, after a reasonable time following the service of notice under the act but in no event less than 60 days-no determinative response to the *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030) is received, the court may determine that the act does not apply to the proceeding unless further evidence of its applicability is later received.

Therefore, the form must be filed, and served on the appropriate parties and agencies, and additional time for notice is required before this petition can proceed.